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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

6 * * *

7 UNITED STATES OF AMERICA,

8 Plaintiff(s),

Case No. 2:04-CR-148 JCM (LRL)

ORDER

9 v.

10 JEFFREY MICHAEL DONNELLY,

11 Defendant(s).

12
13 Presently before the court is defendant Jeffrey Michael Donnelly's unopposed motion to
14 amend. (ECF No. 65).

15 On February 8, 2018, the court re-sentenced defendant to ten years of custody, which is the
16 maximum sentence 18 U.S.C. § 924(a)(2). Four days later, the court entered an amended judgment
17 stating that defendant's prison sentence is "(10) years or credit for time served." (ECF No. 61).

18 The amended judgment is inconsistent judgment because defendant has served more than
19 ten years of custody. Therefore, under Federal Rule of Criminal Procedure 36, the court will
20 amend the amended judgment to correct this error. *See* Fed. R. Cim. P. 36 ("... the court may at
21 any time correct a clerical error in a judgment, order, or other part of the record ...").

22 Accordingly,

23 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that defendant's motion to
24 amend (ECF No. 65) be, and the same hereby is, GRANTED.

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Defendant Jeffrey Michael Donnelly shall prepare and submit to the court a proposed judgment consistent with the foregoing within thirty (30) days from the date of this order.

DATED April 26, 2019.


UNITED STATES DISTRICT JUDGE